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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12
13 v.
14 ROBERT GUY RUSSELL,
15 Defendant.

Case No. 2:20-cr-00059-APG-DJA

**STIPULATION TO CONTINUE
INITIAL
APPEARANCE AND
ARRAIGNMENT AND PLEA
(Second Request)**

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Jamie Mickelson, Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Brian Pugh, Assistant Federal Public Defender, counsel for Robert Guy Russell, that
21 Initial Appearance and Arraignment and Plea Hearing currently scheduled on August 18,
22 2020, be vacated and continued to a date and time convenient to the Court, but no sooner than
23 sixty (60) days.

24 This Stipulation is entered into for the following reasons:

25 1. On March 19, 2020, the Chief Judge of the U.S. District Court for the District
26 of Nevada issued Temporary General Order 2020-04 (collectively with General Order 2020-
03, "the General Orders"), which noted that "the COVID-19 pandemic has continued to

1 spread,” resulting in the need for “more aggressive social-distancing measures.” The Court
2 noted further that, “[o]n March 17, 2020, the Governor of the State of Nevada ordered the
3 closure of many business establishments and strongly encouraged all citizens to stay home.”
4 Accordingly, the Court ordered the temporary closure of the Clerk’s office, and implemented
5 other changes, including “striving to eliminate in-person court appearances.” In the event any
6 hearing must go forward, the Court will conduct the hearing via video or teleconference. On
7 April 29, 2020, Chief Judge Du entered Amended General Order 2020-04, which amended
8 General Order 2020-04 by, among other items, stating “[t]he Court plans to incrementally
9 resume in-person court appearances as appropriate based on recommended health guidelines.”
10 Amended General Order 2020-04 states further that “[t]o ensure maximum distancing, the
11 presiding judge may limit the number of individuals who may physically be in the courtroom
12 for an in-person court hearing and allow participation by telephone.”

13 2. According to the Center for Disease Control and Prevention’s (CDC) website,
14 counsel for the defendant falls into a category that is at a greater risk for severe illness from
15 COVID-19¹.

16 3. The defendant does not consent to waiving his personal appearance in court

17 4. The defendant is not in custody and agrees with the need for the continuance.

18 5. The parties agree to the continuance.

19 6. The additional time requested herein is not sought for purposes of delay, but
20 based on the public health emergency brought about by the COVID-19 pandemic, the required
21 social-distancing measures as recognized in the General Orders, the need for additional time to
22 prepare the defense during the public health emergency and once the public health emergency
23 is resolved.

24
25 ¹ Groups at Higher Risk for Severe Illness, CDC (Aug. 4, 2020),
26 <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html>

1 7. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice. The additional time requested by this Stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
4 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
5 Section 3161(h)(7)(B)(i), (iv).

6 This is the second request for a continuance of the Initial Appearance and Arraignment
7 and Plea hearing.

8 DATED this 4 day of August, 2020.

9
10 RENE L. VALLADARES
11 Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

12 By /s/ Brian Pugh

By /s/ Jamie Mickelson

13 BRIAN PUGH
14 Assistant Federal Public Defender

JAMIE MICKELSON
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 ROBERT GUY RUSSELL,

7 Defendant.

Case No. 2:20-cr-00059-APG-DJA

ORDER

9
10 IT IS THEREFORE ORDERED that the Initial Appearance and Arraignment and Plea
11 hearing currently scheduled for Tuesday, August 18, 2020 at 11:00 a.m., be vacated and
12 continued to October 27, 2020 at the hour of 10:30 a.m. in Courtroom 6C; or to a time and date
13 convenient to the court.

14 DATED this 5th day of August, 2020.

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16 

17 UNITED STATES DISTRICT JUDGE